

REMARKS/ARGUMENTS

Upon entry of the above amendment, the specification will have been amended, claims 1-12 will have been canceled and claims 13-36 will have been submitted for consideration by the Examiner. In view of the above, Applicant respectfully requests reconsideration of the outstanding rejections of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided, and for the acknowledgment of Applicant's claims for priority under 35 U.S.C. §119 and receipt of the certified copies of the priority documents, as set forth in the Official Action. Applicant also notes with appreciation the Examiner's acknowledgment of Applicant's Information Disclosure Statements filed in the present application on October 18, 2000, March 26, 2001, and September 23, 2002 by the return of the initialed and signed PTO-1449 Forms, and for consideration of the documents cited in the Information Disclosure Statements.

Turning to the merits of the action, the Examiner has objected to the specification because of informalities. As noted above, Applicant has amended the specification to convert "Contents-Type: multipart/mixed" into "Contents-Type: multipart/mixed" (page 13 lines 25-26). Thus, Applicant respectfully requests that the Examiner withdraw the objection to the specification.

The Examiner has objected to claims 1 and 4 because of informalities. As noted above, Applicant has canceled claims 1 and 4. Thus, Applicant respectfully requests that the Examiner withdraw the objection to claims 1 and 4.

The Examiner has rejected claims 8-12 under 35 U.S.C § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. As noted above, Applicant has canceled claims 8-12. Thus, Applicant respectfully requests that the Examiner withdraw the rejection to claims 8-12.

The Examiner has rejected claims 1-12 under 35 U.S.C § 103(a) as being unpatentable over SAITO et al. (U.S Patent No. 6,618,749) in view of TOMOHIRO et al. (Publication Number JP 10308766). The Examiner has rejected claims 1 and 7 under 35 U.S.C § 103(a) as being unpatentable over SAITO et al. (U.S Patent No. 6,618,749) and in view of what would have been obvious to one of ordinary skill in the art at the time of the invention was made. The Examiner has rejected claims 4-6 and 10-12 under 35 U.S.C § 103(a) as being unpatentable over SAITO et al. (U.S Patent No. 6,618,749) in view of SAITO et al. (EP 0923226).

As noted above, Applicant has canceled these rejected claims and has submitted new claims 13-36. In this regard Applicant notes that newly added claim 13 is generally based on canceled claim 1, newly added claim 14 is generally based on canceled claim 2, and newly added claim 15 is generally based on canceled claim 3. Newly added claims 16 and 17 are generally based on canceled claim 4, newly added claim 18 is generally based

on canceled claim 5, and newly added claim 19 is generally based on canceled claim 6. Newly added claim 20 is generally based on canceled claim 7, newly added claim 21 is generally based on canceled claim 8, and newly added claim 22 is generally based on canceled claim 9. Newly added claims 23 and 24 are generally based on canceled claim 10, newly added claim 25 is generally based on canceled claim 11, and newly added claim 26 is generally based on canceled claim 12. Claims 27-36 have been submitted to define further features of the invention and to afford Applicant the scope of protection to which he is entitled. The newly added claims merely clarify the subject matter recited in the canceled claims, but do not narrow the scope of the claims.

Turning to the rejection of the claims, Applicant notes that the present application was filed in the United States on July 18, 2000, and SAITO et al. issued on September 9, 2003. The issue date of SAITO et al. is after the filing date of the present application. Therefore, SAITO et al. is disqualified as prior art with respect to the present application under 35 U.S.C § 102(a) and (b). On the other hand, since SAITO et al. is a patent granted on an application for patent by another filed in the United States before the present invention by Applicant for patent, SAITO et al. might be qualified as prior art with respect to the present application under 35 U.S.C § 102 (e). Therefore, the rejection under 35 U.S.C § 103(a) is based only on 35 U.S.C § 102(e).

However, according to U.S.C § 103(c), subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the

subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

SAITO et al. is presently assigned to Panasonic Communications Co., Ltd., as can be seen on the cover sheet of the patent, but was originally assigned to Matsushita Graphic Communication Systems, Inc. when filed. Similarly, the present application was assigned to Matsushita Graphic Communication Systems, Inc. when filed. However, Matsushita Graphic Communication Systems, Inc. became Panasonic Communication Co., Ltd., on January 1, 2003 by a merger agreement and this merger has been recorded for both of these cases at the Assignment Branch of the U.S. Patent and Trademark Office.

Thus, SAITO et al. and the claimed invention were, at the time the invention was made, owned by the same entity, i.e. by Matsushita Graphic Communication Systems, Inc. which is now Panasonic Communications Co., Ltd.,. Therefore, since SAITO et al. meets the requirements for U.S.C § 103(c), SAITO et al. can not preclude patentability of the present claims under U.S.C § 103(a).

Independently of the above, Applicant respectfully submits that the disclosures of the references cited by the Examiner, individually or in any proper combination, are inadequate and insufficient to render unpatentable the herein claimed combinations of features.

Accordingly, the rejections are improper. Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections and an indication of the allowability of all the claims pending in the present application, in due course.


SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has canceled the rejected claims and has submitted new claims for consideration by the Examiner. Applicant has pointed out the impropriety of the rejections as well as the inadequacy of the references relied on. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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